

Baron J. Drexel, SBN 132529
Law Offices of Baron J. Drexel
212 Ninth Street, Suite 401
Oakland, California 94607
Telephone: (510) 444-3184
Facsimile: (510) 444-3181
E-mail: drexlex@sbcglobal.net

Attorneys for Defendant Emmanuel T. Segman

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMANUEL T. SEGMAN,

Defendant.

Case No.: C 07 4562 SLM

**ANSWER TO COMPLAINT
(Student Loan / Debt Collection)**

COMES NOW, EMMANUEL T. SEGMAN, (“SEGMAN”) defendant in the above
entitled action, who answers the unverified Complaint of the United States of America as
follows:

1. This answering defendant denies each, every and all of the allegations of the
Complaint, and the whole thereof, and denies plaintiff has sustained damages in any sum or sums
alleged, or in any other sum or at all and denies that plaintiff has sustained any injury, damages
or loss, if any, by reason of any act or omission of this answering defendant or his agents or
employees.

AFFIRMATIVE DEFENSES

2. As a First Affirmative Defense, defendant alleges that plaintiff is estopped from recovery on its complaint based upon its misrepresentations, each of which is sufficient to estop plaintiff from relief, *viz.*, *i.* plaintiff was told that if he borrowed under the subject program and he subsequently taught in a college where there was majority or substantial minority enrollment, the debt would be forgiven, but later when he then taught (and now teaches at such institution) he was told that the program ended; *ii.* Plaintiff consolidated his loans based upon misrepresentations which caused high interest rates which meant that he has paid the amount of the principal on the subject loan but is being charged interest upon interest and at a higher rate; *iii.* Plaintiff reopened his bankruptcy and filed an adversary action to discharge this debt and based upon representations of the defendant's attorney dismissed its adversary action as against defendant only.

3. As a Second Affirmative Defense, the complaint and each claim is barred by the doctrine of laches.

4. As a Third Affirmative Defense, the claim for attorney's fees, the claim for interest, and the amount demanded as obligation are each unconscionable.

5. As a Fourth Affirmative Defense, jurisdiction properly lies in the bankruptcy court as plaintiff seeks to discharge this obligation. If this matter is not resolved shortly, plaintiff will reopen his bankruptcy and file a nondischargeability adversary proceeding to discharge this debt.

6. As a Fifth Affirmative Defense, fraud bars each claim. Plaintiff was told that if he borrowed under the subject program and he subsequently taught in a college where there was majority or substantial minority enrollment, the debt would be forgiven, but later when he then taught (and now teaches at such institution) he was told that the program ended; *ii.* Plaintiff consolidated his loans based upon misrepresentations which caused high interest rates which

1 meant that he has paid the amount of the principal on the subject loan but is being charged
2 interest upon interest and at a higher rate.

3 WHEREFORE, defendant requests that the instant complaint be dismissed with
4 prejudice, that defendant be awarded costs, that such further and other relief be granted as is
5 proper and just.

6 Dated: November 28, 2007

LAW OFFICES OF BARON J. DREXEL

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8 By: /s/ Baron J. Drexel
9 Baron J. Drexel

PROOF OF SERVICE

I am over the age of eighteen years, employed in the County of Alameda, State of California, and not a party to the within action. My business address is 212 Ninth Street, Suite 401, Oakland, California 94607.

On the date set forth below, I served following document(s):

ANSWER TO COMPLAINT

on the following party (ies):

Michael Cosentino, Esq.
P.O. Box 129
Alameda, CA 94501
Attorney for Plaintiff United States of America

☐ I deposited the above-referenced document(s) in an envelope with postage fully prepaid in the United States mail at a facility regularly maintained by the United States Postal Service in Oakland, California, Alameda County.

☒ I sealed and placed such envelope for collection and mailing knowing that on the date set forth below, it would be deposited with the United States Postal service at Oakland, California, Alameda County, following ordinary business practices with which I am readily familiar.

☐ I sent by facsimile to the phone number identified above on _____ from this office: Law Offices of Baron J. Drexel

I declare under penalty of perjury that the foregoing is true and correct and this declaration is executed this 30th day of November, in Oakland, CA.

/s/ Josephine Cilluffo
Josephine Cilluffo